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## Sui Juris, volume 09, number 03

Boston College Law School. Student Bar Association

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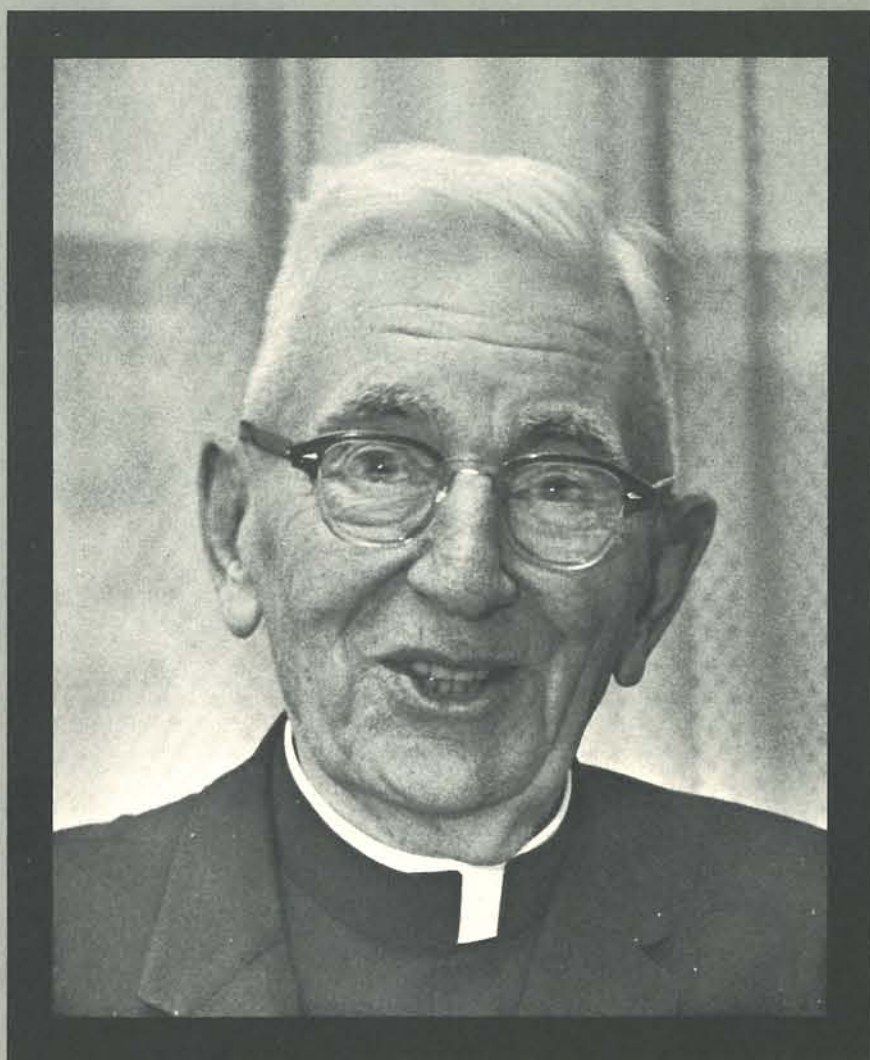
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# *SUI JURIS*

BOSTON COLLEGE LAW SCHOOL

Volume 9, Number 3

March 1965





"... the King's good servant, but God's first."  
This was the credo of Thomas More, whose ideal was brought before the Law School by Father John Tobin. May his memory serve to keep it with us.

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Volume 9  
Number 3

March 1965

## SUI JURIS

NEWS JOURNAL OF THE  
STUDENT BAR ASSOCIATION

BOSTON COLLEGE LAW SCHOOL

### IN FUTURE ISSUES:

... Survey of Academic Failures at the  
Law School

... Book Reviews —

**Politics and Catholic Freedom**  
by Garry Wills

**Law and Philosophy**  
edited by Sidney Hook

... Are Bar Examinations Really Necessary?

*SUI JURIS is published five times during the academic year by the Student Bar Association of Boston College Law School, for the benefit of the students, faculty, alumni, and friends of the School, at 925 Washington Street, Norwood, Massachusetts. Advertising rates on request. Please address all communications to the editorial office at —*

BOSTON COLLEGE LAW SCHOOL  
BRIGHTON, MASS. 02135  
332-3200, extension 300 or 405

### ATTENTION ALUMNI!

The Annual Law Day Dinner will be held on Saturday, May 1, 1965, in the ballroom of the new Sheraton-Boston Hotel in the Prudential Center. It will be the first function to be held in the hotel.

William E. Ryan '46, chairman of the event, urges all Alumni to make plans now to attend the dinner on May 1.

Hotel reservations for the May 1 weekend can be made by writing or calling the Manager, Sheraton-Boston Hotel, Prudential Center, Boston, Telephone 617-236-2000. Please indicate that you are a B.C. Law School Alumnus. Dinner reservations are to be made by contacting Miss Sue Plante, Boston College Law School, Brighton, Mass. 02135.

### LATE ITEMS . . .

The class of 1940 will hold its 25th class reunion in conjunction with the May 1 Law Day Dinner being held at the Sheraton-Boston Hotel in the Prudential Center. The reservations for the reunion are being handled by Irving S. Meyers, 272 Washington Street, Boston and Judge Maurice Flynn, 33 Dartmouth St., Malden.

Reverend Gregory R. Roy, S.J., has been appointed spiritual advisor to the Law School, succeeding the late Father Tobin. Father Roy's appointment is temporary, but will extend at least to the close of the current academic year.

Father Roy, a native of Newton has been assigned to the University for the past eight years during which time his primary duty was conducting retreats. Upon his arrival at the Law School, Father Roy told SUI JURIS he was looking forward to his new association with law students. Turning attention to student retreats at the Law School he, who conducted this year's poorly attended retreat, indicated that the time may have come to reconsider the school policy in this matter. He also announced that the former schedule of confessions would be re-

tained and that he is available for student counseling at any time.

The Faculty has deferred a decision as to the conferral of the Juris Doctor degree pending the report of a Committee on the subject. Recently more than two hundred students of the Law School signed a petition favoring the conferral of the J.D. in lieu of the LL.B.

In response to another petition, the Faculty rejected a proposal that a reading period be scheduled before final exams. It was indicated that the reading period is intended to provide opportunity for the study of materials not directly included in the courses of study and that because no such assignments are made at the Law School a reading period is not necessary.

A group admission of Law School alumni to the United States Supreme Court will be held on Monday, May 17, in Washington. Dean Drinan will move the admission.

A luncheon in honor of the new admittees will be held at the Skyline Inn immediately following the swearing in cere-

mony. Daniel T. Coughlin '56, minority Counsel to the U.S. Senate Small Business Committee will serve as toastmaster.

Alumni desiring to be admitted to the Court on May 17 can make arrangements to do so by contacting Associate Dean Francis J. Larkin at the Law School.

Graduation ceremonies for the Class of 1965 will be held on Monday, June 7, at 1:00 P.M. in Bapst Auditorium.

The Universities of Illinois, Missouri, and San Diego have announced that effective in June the J.D. degree will be awarded in place of the LL.B.

SUI JURIS staff man, John Gill '66, will represent the Law School and this journal in the April 19, Patriots' Day Marathon.

Tom Kennedy '64 has recovered from injuries sustained early last fall and is now in the Boston NLRB office.

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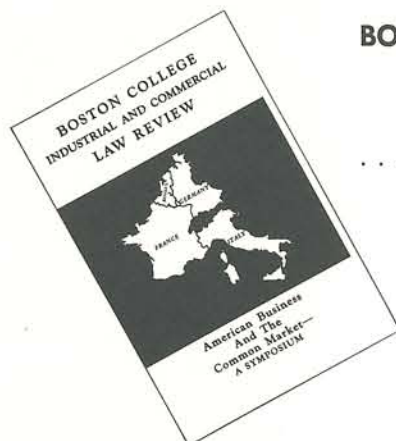


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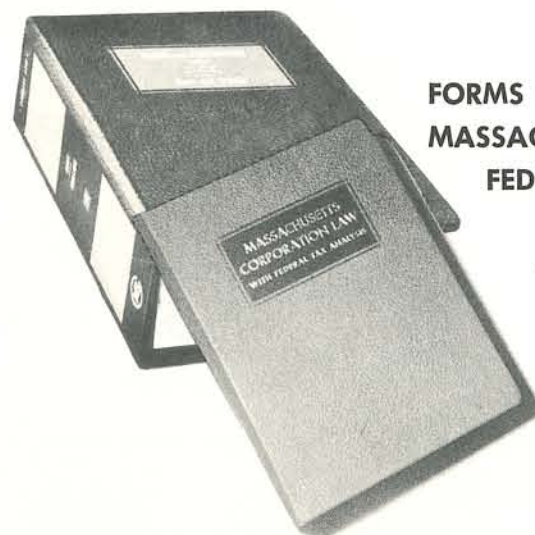
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## BOSTON COLLEGE INDUSTRIAL AND COMMERCIAL LAW REVIEW

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## Rev. John A. Tobin, S.J.

JUNE 19, 1894 – JANUARY 25, 1965

*This sermon, delivered by Dean Drinan at a memorial Mass, is published here in grateful remembrance of Father Tobin's guidance and aid as Moderator of SUI JURIS since its inception.*

*The Editors*

We gather here this morning before the sanctuary of God to offer our praise and gratitude to our Creator and Redeemer for the friendship and inspiration of a great and good priest, Father John A. Tobin, S. J.

Let us for a brief time pause and reflect on the career and the contributions of Father Tobin and then let us resolve that we will in some new way radiate to others that legacy of compassionate kindness which he has bestowed on all of us.

From time to time Father Tobin would reminisce about the first time he saw the present campus of Boston College. It was in the year 1911, and Father Tobin, with his characteristic humility, used to confess that he was — in that distant year — sympathetic with the views of those Jesuits and others who were skeptical about establishing a college out in the "wilderness" of Newton.

Father Tobin, in God's Providence, gave his whole life to the fulfillment of that dream which inspired Father Gasson to create the new Boston College at Chestnut Hill.

It is difficult to think of any person, living or dead, who has contributed more to the dream and vision of Boston College than Father Tobin. He struggled and suffered here through two World Wars; as chairman of the physics department for 25 years he contributed in a notable way to the growth of this university. And as student counsellor of the Law School and professor of theology at the Nursing School for the past ten

years he has crowned a dedicated life of scholarship and piety with a decade of devoted priestly service whose lasting impact and influence will be far greater than any one of us here today could imagine.

Father Tobin came to the Law School on the first day that classes began in its new building on the campus. Since that day in September 1954, over 1,000 students have graduated from the Law School. The lives of each and every one of those persons have been transformed by Father Tobin — by his mere presence, by his charity, by his compassion, by his priestliness.

On behalf of those thousand alumni, on behalf of the present student body at the Law School, and on behalf of the nurses, and the countless other sons and daughters of Alma Mater who have known and loved Father Tobin, we offer here today our praise and gratitude to God.

We express to our Redeemer here present our profound appreciation of the blessing which we have had in the life and inspiration of Father Tobin. His 53 years as a Jesuit and his 38 years of service at Boston College have offered us an example which has altered the lives of all of us in unforgettable ways.

As a pledge of the sincerity and profundity of our gratitude to God for the inspiration of this Christ-like person let us resolve and determine as never before to eliminate from our lives every attitude of inconsiderateness and unkindness. Let today be a turning point: aided on earth by his inspiration and now assisted even more by his blessing and patronage in Heaven, let us determine anew that we will reflect and radiate those two greatest of all virtues so uniquely alive in the soul of Father Tobin — charity and compassion.



# Editorials

As the news journal of the Student Bar Association, SUI JURIS is primarily an instrument for advising students, alumni, and friends of developments and events at the Law School. Co-incidentally it also serves as a forum for the expression of student opinion and as a medium for articles of interest to its readers.

The editorial policy of this journal is derived in large measure from its primary function as it is conceived of by the present editorship. Therefore, we do not feel a duty or responsibility to comment on events or policies not directly related to this Law School. Nonetheless, we welcome and indeed solicit comment from our readers on any subject that they care to write about, be it Ecumenism, Civil Rights, Massachusetts Politics, or Viet-Nam.

We should hope that critics of SUI JURIS will use it as the forum for dissent. Sensitivity to criticism is the only assurance of the journal's continued improvement. To that end we welcome it. We do feel, however, that the current policy is a reasonable one, and that the alternative to broad editorial coverage is not a high school gossip sheet.

The second annual Wendell F. Grimes Moot Court Competition has set a precedent for future competition at the Law School and should serve as a model for similar activity at all Law schools. It exhibited quality and skill in both organization and execution. The participants, and in particular the winners, are to be congratulated for their demonstrated ability and contribution to the reputation of the Law School.

The signal distinction of this year's competition was the number of participants, larger than those of any past Moot Court Program. For this achievement the Board of Student Advisors, and especially their chairman, Nicholas J. Lisi, are to be especially commended. The enthusiasm of the second year class was owing in large part to the example set by the Advisors whose untiring efforts to organize and direct the program stimulated the interest of the entire student body. These same men are responsible also for the improved first year moot court program. Their contribution to the continued excellence of the Law School has earned for them the highest commendation.

It may be true that "more lawyers are ruined by coffee than by alcohol," but we wonder if the same applies to law students and their professors. Would not the student's assimilation into the legal profession be aided if on the other side of the cup there was a man who had already achieved success in the practice or teaching of the law?

The occasional informal introduction of the thoughts of a faculty member into student discussion can give a legal concept both a life and a perspective not found in the texts or in classroom recitation. Nor would either side be harmed by some mutual interchange of ideas on many subjects unrelated to the law but somehow affected by the ground common to both generations.

Faculty and students at the Law School seem excellently disposed towards each other, but respectively en bloc. If each side could somehow individualize this compatibility, it would be rewarding to both and another step in their mutual efforts to create a law school of increasing excellence.

The Editors and Staff of SUI JURIS wish to extend a sincere welcome to Father Gregory Roy, newly appointed Spiritual Advisor to the Law School. We hope his stay with us is pleasant.

## Memoranda . . .

. . . On January 27, a portrait of the late John J. Connelly '41, presiding justice of the Boston Juvenile Court, was unveiled at the Court. Judge Connelly's widow performed the unveiling at a ceremony attended by her two sons, John, a graduate of Boston College in 1958, and Paul, a senior at the University who plans to enter the Law School in September. Mayor John Collins of Boston was present and paid tribute to Judge Connelly's work on the Court.

. . . Dean Drinan will be among the participants in a CBS television report on "Abortion and the Law" to be shown toward the end of the month. The program, to be moderated by Walter Cronkite, will explore the medical, sociological, legal, and theological implications of abortion.

# SBA REPORT

Tom Trimarco '65

At a recent Student Bar Association meeting, the Board of Governors unanimously resolved its opposition to the establishment of any legal fraternity at the Law School. Speaking from a personal standpoint, I feel this decision was a sound one. This summer, while attending the annual convention of the American Law Student Association, I had the opportunity to discuss the pros and cons of legal fraternities with students from law schools which presently have such organizations. The opinions expressed were not favorable toward the fraternities. Their primary functions at the local level are sponsoring speaker's programs and social events. There is also the sense of "belonging" to a national brotherhood of lawyers and its resulting opportunities in placement.

I feel the framework of our integrated Student Bar Association is better able to care for the intellectual needs of our students and the legal community through existing programs such as the Forum, SUI JURIS, and the Board of Student Advisors. I would hope these organizations could be strengthened through increased student participation before a new organization is formed to duplicate efforts.

It would appear that the benefit of placement through a legal fraternity is highly overestimated and can not be compared to a well-organized alumni program. Once again, it would seem to be wiser to strengthen existing alumni support and interest in this area before turning to centralized national organizations not primarily concerned with the betterment of the Law School.

Not to be overlooked is the reality that the existence of one fraternity soon expands to include the other "name" fraternities. This ushers in the reappearance of rushing practices reminiscent of undergraduate days. There should be no room for this at the graduate level.

In closing, I would like to call attention to a housing questionnaire which the Student Bar Association will be distributing within a few weeks. We hope to collect information on housing facilities in order to assist the incoming first year students in procuring accommodations. It is hoped that all will co-operate in this matter so that our information can be as accurate and as helpful as possible.

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## CORE Leader in Forum Address

James Farmer, National Director of the Congress of Racial Equality (CORE) addressed an overflow audience of the Law School Evening Forum on March 11. Mr. Farmer was introduced by Dean Drinan.

Only a few hours before his appearance Mr. Farmer had been in Selma, Alabama, participating in the voter registration demonstrations in that city. At the outset of his address Mr. Farmer and his audience paused for a moment of prayer for Reverend James J. Reeb of Boston who had been beaten into unconsciousness by Alabama whites while in Selma to join the right-to-vote march. The evening was marked by a tragic note, however, as word arrived while Mr. Farmer was speaking that Reverend Reeb had died of his injuries.

Farmer told his audience that "the most profound thrust in democracy today is that of the equality and brotherhood of man." The impact of the American civil rights revolution is world wide, he said, recalling his recent visit to Africa where the most frequently asked question of him was "What about the civil rights movement?" The CORE leader said that

Selma might well be the determinative confrontation in the Negro quest for equality, "an Armageddon." Challenging a popular notion that this quest was but a few years old, he referred to the "magnolia myth" that the slaves of the old South were content with their situation. "They hated slavery as much as the contemporary Negro hates segregation," he said. Farmer continued that the resentment against second-class citizenship has now crystallized into a nationwide movement.

Turning his attention to conditions in the North, the man who has been jailed for conducting demonstrations on both sides of the Mason-Dixon line, said that outside the South there is segregation with subtlety. The racist culture of the South has permeated the entire country, he declared, with the result that there is a little of all of us in the bigots of Alabama. This contradiction of Christianity and American principles is the real challenge of Selma, he said, but it is not enough to be concerned about Alabama; our own cities of the North are not without discrimination and prejudice. Farmer expressed the thought that the War on Poverty would do much to alleviate

the plight of the Negro but more is needed and this can come only from each man's conscience. "There can be no neutrals in the fight for brotherhood," he said in concluding his remarks.

In response to a question from the audience, Mr. Farmer said that he thought the late Malcolm X of the Black Liberation movement had moderated his views and was attempting to lead his followers into the non-violent civil rights demand for integration. Answering another question, he said that the repeal of the California fair housing act was caused partly by bigotry, partly by the wording of Proposition 14 to the state constitution which repealed the law, but mostly by the fear of many property owners that the value of their real estate would decline if the Rumford Act was retained.



Unidentified spectator dissents from standing ovation given James Farmer at close of Forum speech.

## Berney and '66 Begin Talks

Professor Arthur L. Berney has organized an informal discussion group with members of the second year class. The group will meet regularly to discuss legal aspects of various contemporary problems and events. Mr. Berney explained that the group was born of a request by several second year students for a means of discussing with faculty members the implication and relevance of course materials to current events. The object of the discussion is conceived, he said, as a method of examining the social and cultural, as well as the legal, ramifications and incidence of subjects like Obscenity in Literature.

Professor Berney indicated that the Faculty fully supported and encouraged the idea. Eventually several other faculty members will participate in the discussions. It is hoped that ultimately the groups will be composed of members of the Law Clubs soon to be reestablished at the Law School.

## Moot Court Team Selection Revised

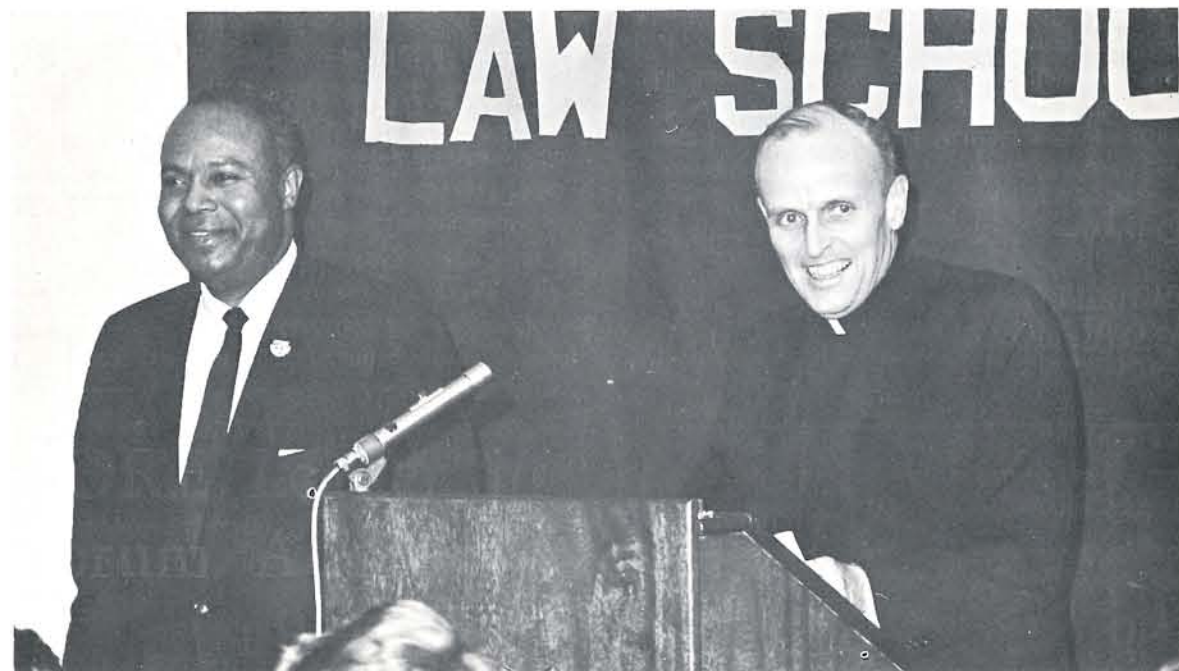
Members of next year's National Moot Court Team will be chosen from competing participants in individual arguments. Formerly, the winners of the Grimes Competition were assured places on the three man team. Associate Dean Francis J. Larkin, team coach, announced the new rules. Only students participating in the Grimes Competition will be eligible to compete for the National Team.

Dean Larkin said that the reason for the change in the rules was the belief that individual competition will afford greater assurance that the best speakers will represent the Law School in national competition. Under the old rules, he explained, it was conceivable that the three best speakers in the Grimes Competition would be eliminated before the final round. All participants in this year's Grimes Competition were advised of the proposed changes before arguments began. The individual competition will be conducted shortly before the Easter recess and will be judged by former National Team members.

## FACULTY PROMOTIONS GRANTED

Promotion of several Law School personnel was recently announced by the President of the University. Effective January 1, 1965, Dean Larkin is designated Associate Dean of the Law School and Professor McCarthy, formerly Registrar, is Assistant Dean. Dean McCarthy will continue as chairman of the Committee on Admissions.

Associate Professor Sanford J. Fox, presently on leave, and Assistant Professor Francis J. Nicholson, S.J., have been promoted, effective September 1, 1965, to Professor and Associate Professor respectively.





## Alumni . . .

1936 —

Casper T. Dorfman was elected Vice-President of the University Trust Company, Cambridge.

1942 —

James F. Murphy was elected a delegate to the Rhode Island Constitutional Convention.

1947 —

Maurice H. Sullivan was named President of the People's Federal Savings and Loan Association, Brighton. Mr. Sullivan also serves as legal counsel to the Association.

1949 —

Carroll W. Kelley has been promoted to the rank of Colonel in the United States Air Force. He is assigned to the Air Force Electronic Systems Division.

William H. McBain was appointed Vice-President and General Counsel of John Donnelly & Sons, Boston.

Francis H. White and Cornelius J. Sullivan '50 announce the formation of the firm of White and Sullivan at 261 Franklin Street, Boston.

1950 —

William F. Brewin was appointed Special Justice of the First District Court of Eastern Worcester.

Kenneth F. McLaughlin, the outstanding young man of 1963 in New Hampshire, has been named president of Nathaniel Hawthorne College. Judge McLaughlin also was promoted to rank of Colonel in the Civil Air Patrol and made Wing Commander in December, 1964.

Francis T. O'Donnell, Jr. has become associated with O'Donnell and Levinson, 11533 South Dixie Highway, Miami, Florida 33156.

1951 —

Charles E. Berry is Associate Director of the Catholic Hospital Association of the United States and Canada with offices at 1438 South Grand Boulevard, Saint Louis, Missouri.

Anthony A. Giannini, Frank J. McGee '55, and Seth K. Gifford '58 have announced their association in the practice of law under the name of McGee, Gifford and Giannini, 308 Hospital Trust Building, Providence, Rhode Island.

1952 —

Roger Beauchemin was elected a delegate to the Rhode Island Constitutional Convention.

Mark K. Litchfield, Assistant Treasurer of the Gillette Company, was recently appointed to the State Affairs Committee of the Greater Boston Chamber of Commerce.

1954 —

Henry J. Battles was elected Probate Judge for Rutland County, Vermont, in November.

1955 —

Timothy M. Thornton has joined in the formation of the firm of Simon, Sheridan, Murphy and Thornton, 625 South Kingsley Drive, Los Angeles, California.

Steven A. Fanning, Jr. was elected a delegate to the Rhode Island Constitutional Convention.

Charles Barrett and John A. Canavan, Jr. '56 have been named junior partners in Nutter, McClennen and Fish, 75 Federal Street, Boston.

1956 —

John W. Kane was recently named an Assistant Vice-President of the National Bank of Boston.

1957 —

William J. McManus is associated with Feldman and McManus, 29 Pearl Street, Worcester.

1959 —

Beryl W. Cohen, Massachusetts State Senator, is Chairman of a special recess commission on Workmen's Compensation.

James T. Grady is teaching a course in Labor Law at Stonehill College this semester.

1960 —

Richard T. Hall has been made a partner in Qua, Hall, Harvey and Walsh, 306 Chalifoux Building, Lowell.

Frederick Laurence was elected a delegate to the Rhode Island Constitutional Convention.

1961 —

Barry Kane has been elected a Director of the Bay Colony Federal Savings & Loan Association, South Yarmouth.

**LEONARD FISHER '52**

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1962 —

David W. DiNardi will soon be transferred to the F.T.C. Boston office. He is presently on the Washington, D.C. staff. In June he will receive an LL.M. degree from Georgetown University.

Francis J. Lawless is associated with Peabody, Brown, Rowley & Storey, 201 Devonshire Street, Boston.

John J. Nyhan has been elected President of the Guaranty Trust Company, Waltham.

John L. Sliney is associated with the Antitrust Division of the Justice Department, 450 Goldengate Avenue, San Francisco, California.

1963 —

Cornelius J. McAuliffe has opened offices for the general practice of law at 271 Academy Avenue, Providence, Rhode Island.

Edward J. McDermott, associated with Danais and Danais, announces the removal of their offices to 99 Stark Street, Manchester, New Hampshire.

1964 —

John W. Cruickshank, Jr. has been admitted to the California Bar. He resides at 1660 Sutter St., San Francisco, California 94409.

Edward F. Galvin is associated with Richard Henry Nolan, 2121 Commonwealth Avenue, Boston.

Edward H. London is associated with Goldman, Goldman & Curtis, 85 Devonshire Street, Boston.

T. Kenwood Mullare, Jr. is a member of the legal staff of Northeast Power Service Co., 441 Stuart St., Boston.

Francis M. O'Boy was appointed a Master in Chancery by former Governor Peabody.

John M. Tobin is associated with Sheehan, Phinney, Bass, Green & Bergevin, Amoskeag Bank Bldg., Manchester, New Hampshire.

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## ALUMNI TO PRESENT FORTAS AT LAW DAY DINNER

Abe W. Fortas, nationally known Washington lawyer and former government official, will be the main speaker at the Annual Law Day Dinner sponsored by the Alumni Association at the new Sheraton-Boston Hotel on May 1. William E. Ryan '46, chairman of the dinner committee, announced Mr. Fortas's acceptance of the committee's invitation.

Mr. Fortas is presently a partner in the firm of Arnold, Fortas and Porter. He came to national prominence during the Roosevelt administration when he served in several capacities as advisor to the President and as a member of a number of New Deal agencies. Recently there was wide-spread speculation that Mr. Fortas would be appointed to a Cabinet post by President Johnson. He is reportedly among the President's closest personal friends and advisors.

Mr. Fortas received his A.B. degree from Southwestern College, Memphis, Tennessee, where he was named to Phi Beta Kappa. He received a law degree from Yale University and while there was editor of the Yale Law Journal.

Mr. Fortas



### —Directory

The Association is planning a revised edition and we need your help to insure an accurate listing of *your* name and current address. Please — take a moment now to fill in the postage-paid reply card bound in this issue. And though your address may not have changed since 1963, let us know your Zip Code.

### —Dues

If yours are paid for this year, we're grateful. As a graduate of the Law School, you are therefore a member of the Alumni Association and the beneficiary of its programs. If you are now away from Boston, perhaps your most tangible link to the school is SUI JURIS — whose new format is possible only through Association support. More than 600 members have sent their 1965 dues . . . please join them with a five dollar check mailed to Miss Sue Plante, Boston College Law School, Brighton, Mass. 02135.

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# Rechtsreferendar

Rainer M. Kohler '67



It seems to me to be important at the outset to make a few remarks about the education of a child in the German school system. German children usually enter school when they are about six years old. They attend an elementary school for four years before they switch to the "Gymnasium" (high school) which they will attend for nine years. There are no colleges as such in Germany, and a student who has successfully completed the Gymnasium curriculum can go directly to the university and begin the study of law. And something should be said about the high school that is called "Gymnasium" in Germany. There are basically three types of "Gymnasium," all of which give the student a solid background in the humanities and in at least one or two modern languages. However, one type emphasizes the classic languages, another stresses modern languages, and a third puts mathematics in the foreground.

At the end of nine years in the "Gymnasium," the successful student receives a "certificate of matriculation," which qualifies him to enter any German university without further tests or admission requirements. Since this certificate opens the door to the study of law or any other subject, the examinations preceding it are somewhat comprehensive and selective. During the thirteen years in grammar school and in the "Gymnasium," a student who does not receive a passing mark in any two subjects cannot proceed to the next higher grade. At the end of the thirteenth year there is a final examination consisting of written tests in all major subjects. Following these, a student

is examined orally in two or three of the subjects studied during the last three years. This oral examination is given by the teacher who taught the course and is attended by the whole faculty. It may last anywhere from ten to thirty minutes. The final grade, however, is not made up solely of the grades achieved in the final examination, but is composed of both these grades and the grades established during the last three years.

Having obtained the "certificate of matriculation," a student intending to study law may choose any university in Germany and will be admitted upon presenting this certificate and observing several other formalities. All German universities are public and obliged to admit all applicants with the proper credentials. Since there is no law school admission test and no other requirement, students with questionable ability for the study of law may be admitted.

Traditionally the German university is divided into five departments or faculties; these are Law, Philosophy, Medicine, Natural Sciences, and Socio-Economic Sciences. The "law school" therefore is not a separate school but a department within the university. A student registered for the study of law may sit in on lectures in any of the other departments and indeed is urged to do so in order to get some understanding of the other fields of learning. Also, the student may decide whether he wishes to attend classes and practical exercises. I do not want to discuss the advantages and dangers of this sort of academic freedom, but I should like to point out that it gives the student an opportunity to develop self-discipline and a sense of responsibility. It is one of the aims of the university education to make the academic man rely upon himself.

The school year is divided into two semesters, lasting three months in the summer (May through July) and four months in the winter (November through

February). All courses are given on a semester basis. Although there is complete freedom as to which courses a student will choose, the courses considered to be best suited for each semester are suggested by the faculty. Usually a first semester student will register for such courses as "Introduction to the Science of Law," "History of the German Law," and basic courses such as "Legal Obligations," "Property," and "Criminal Substantive Law." The student is advised to take courses in procedural law only in a later semester. No course in legal research is given. It may, therefore, take a student several semesters before he is able to find all the materials on a given question of law.

In order to understand the system of courses, one must realize that the law in Germany is codified. The various courses consequently tend to take up a certain code and follow its outline. Thus the course in criminal law will emphasize the Criminal Code of 1871, and the course in commercial law the Commercial Code of 1897. The German Civil Code is divided into the law of obligations, property, family relations, and descent and distribution. The law of obligations is subdivided into general provisions for all legal obligations, and specific provisions with special sections on contracts, quasi-contracts, unjust enrichment, and torts. There are also general provisions abstracted from all the law contained in the Civil Code. They deal with such questions as natural and juristic persons; legal transactions, including the problems of lawful age and legal capacity; declaration of intent; contract; agency and power of attorney; and the statute of limitations. These general provisions have been placed in a special chapter at the beginning of the Civil Code. The first course about the Code is therefore entitled "The General Provisions of the Civil Code." It is followed by "The General Provisions for Legal Obligations," "Specific Legal Obligations," "Property Law," "Family Law," and "The Law of Descent and Distribution."

However, the legal education is not designed to give the student a comprehensive and detailed factual knowledge of the law. There are far too many statutes and norms to make this practical. Rather, the student is supposed to penetrate scientifically into the law, and thus to obtain a set of tools — together with a certain minimum of statutory knowledge — that will enable him to understand, interpret, and apply whatever law he will be called upon to use. Keeping this in mind, it does not seem anachronistic that the study of the Roman law is still part of the curriculum. It is considered to be the law of a people that has

been called one of the most talented in the entire history of law. The special legal talents of the Romans were pointed out by Rudolf von Jhering when he said that they possessed "a clear view for the requirements of life, a sure and steady hand for adopting adequate measures, an open ear for the demands of justice and fairness, the courage to resist legal consequences where they contradict a realistic balancing of interests, and an analytic mind combined with a great sense of practicality." But the Roman law is also studied for the practical reason that it heavily influenced the German Civil Code that went into effect on January 1, 1900. Two courses present the Roman Law to the student: "The History and Development of the Roman Law" and "The System of the Roman Private Law."

In a lecture the professor does not concentrate on cases, which are used only to illustrate the application and interpretation of a statute. He explains the more important rules of a particular chapter in a code and shows by examples how these rules have been applied, interpreted, and modified by the courts. In trying to learn the law, the student uses a text edition of the code, his notes, a textbook, and leading decisions. For researching a particular legal problem, commentaries are especially helpful. They are extensive and sometimes exhaustive annotations on each rule contained in a code.

The opinions expressed by a professor or a commentator, or contained in a textbook or a court decision, are not always in agreement as to the meaning or the applicability of a statute. It is then up to the student to research the question thoroughly and find convincing authority for what he thinks is the just and fair solution. To aid the student the professors conduct practical exercises in which hypothetical or actual cases are presented. Almost always the student will find himself in the role of the judge, having to find and evaluate arguments for both sides. Although there are no intermediate examinations, a student must successfully complete a certain number of these practical exercises in order to register for the final examination. To successfully complete a practical exercise, one must receive a passing grade in a written test and in a paper. In the paper the conclusions reached must be documented with authority from commentaries, treatises, and decisions. There is no definite time at which a student has to participate in these practical exercises; usually all are offered in each semester. A student may take as few or as many as he wishes and may repeat them as often as he likes or finds necessary to obtain a passing grade.

*Mr. Kohler, a native of Germany, received an A.B. cum laude from Georgetown University in 1959 and the German equivalent of the J.D. in 1964 after studying at Goethe University, Frankfurt. He is a Presidential scholar at the Law School.*



The student himself determines the time for the final examination. He may register for the final examination any time after he has been enrolled for at least eight semesters and after he has obtained the certificates attesting to his successful completion of the practical exercises. There are two periods each year in which a student may register for the final, which takes about half a year and has three stages. The candidate must first write a thesis in six weeks time. It will ask either for a decision in a particular case or for an opinion in a complicated legal controversy. An example of the latter is the following: "Give an opinion whether the law prohibiting the performance of a religious wedding ceremony previous to that of a civil marriage is in accordance with the Basis Law (i.e., the constitution) of the Federal Republic of West Germany."

The candidate must then take several tests lasting five hours each. Usually a fact situation is presented together with the question: "If you were the judge, how would you decide this case?" These tests are in commercial law, all other private law, civil procedure, criminal law, and constitutional and administrative law. As the last stage of the final examination, a board of law professors, judges and attorneys examines four candidates orally for four hours. Emphasis in this oral examination is on the history and philosophy of law, although the substantive and procedural law of the present is by no means neglected.

The entire final examination is called the "First State Examination" and leads to the degree of "Rechtsreferendar," an equivalent of the American LL.B. or J.D. degree. The Court of Appeals of the particular state in which the student studied administers the "First State Examination." Its name implies that there is also a "Second State Examination." This is the equivalent of the American bar examination and can be taken only after the "Rechtsreferendar" has worked for 42 months at various levels of the court hierarchy, in the district attorney's office, for a practicing attorney, and for an administrative agency. During this time he is in the employment and pay of the state in which he is residing. The purpose of this training period is to give the prospective lawyer as varied an experience as possible in the different fields of legal activity. After the "Second State Examination" the new lawyer is admitted to the bar and may become a practicing attorney, join the government or private industry, or enter upon the career of district attorney or judge.

## Effort at Alabama — B.C. Statement Fails

An Ad Hoc committee of students recently wired the students of the University of Alabama Law School requesting their participation in sponsoring a public statement deploring the recent violence in Selma, Alabama. The response from Alabama rejected the proposal. George V. Higgins '67, chairman of the B.C. Ad Hoc committee, expressed regret at the decision by the Alabama students, but said that he and his committee were of the opinion that the decision was reached on good and valid grounds.

"We are satisfied that the Alabama students are moving toward a position congruent with our own, and that they should be respected for this," he said in referring to the announced intention by the Montgomery students to draft a public statement of their own on the matter.

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## Book Review

O'Neal, F. Hodge and Annie Laurie, HUMOR: THE POLITICIAN'S TOOL, *Vantage*, New York, Pp. 210, \$3.95, 1964.

F. Hodge O'Neal is a former Dean of the Mercer University Law School and presently a professor at the Duke Law School. He is probably the only man to earn both a J.S.D. from Yale, and a S.J.D. from Harvard. His book and articles on the close corporation have made him the leading authority on that subject.

Annie Laurie is his wife, the owner of a master's degree in English from Wellesley, a former professor of English at Wesleyan College, and at one time a manuscript typist for the novelist William Faulkner.

Although neither has the background usually expected of joke book editors, there are signs that we are beginning to better appreciate sophisticated humor. The fabled "Kennedy wit" is probably as well remembered today, and may longer endure than many of his accomplishments. Anyone acquainted with the O'Neals might suspect that they would joyfully turn their considerable talents to the inviting task of collecting the best liked stories of Senators, Congressmen, Governors and other politicians. The editors themselves are a very human and witty couple.

The result of their work is a delight. As they predict in the preface, some of the inclusions are well known but many are less familiar. As one skips through the volume, the editor's skill in selection and in editing becomes apparent. Each of the stories has its own characteristics of humor. In some, the individuality of author predominates; in other it is the locale or the subject of the anecdote that prevails.

Most of the humor was obtained by asking Congressmen and other governmental officials to supply their favorite stories and anecdotes. The range of contributors, including at least one graduate of the law school, The Honorable Silvio O. Conte '49, is broad.

Unquestionably the wide experience in speaking possessed by those who sent stories is largely responsible for the value of this book as a handbook of humor for persons who have occasion to speak in public.

The editors have helped make the volume both useful and enjoyable by their arrangement and careful editing.

Frederick M. Hart  
Professor of Law  
Boston College Law School



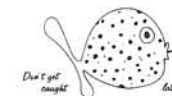
Mr. McNamara and Mr. Northrop

## FORUM COMMAND CHANGES

Donald W. Northrop '66 is the new president of the Forum. He succeeds Paul J. McNamara '65 whose term expired in January. Other officers elected to one year terms are: Charles G. Mills IV '66, Vice-President for the Morning Forum; Gilbert R. Shasha '67, Vice-President for the Evening Forum; Kevin F. Moloney '66, Treasurer; and Joyce Hampers '67, Secretary.

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## THE LADIES OF THE LAW SCHOOL

Rae B. Condon '65

"Who shall find a valiant woman?" asks the psalmist in the Book of Proverbs. His many answers taken in the aggregate suggest that the test of her valiance is not to be found in the magnitude of a given task but in the dutiful performance of her daily routine and in the courage which she brings to these daily demands. The fruits of her labor are shared by those privileged to be in her society. Just such a privilege is ours as law students. The smooth operation of the Law School, although a result of many factors, may be largely attributed to the women who serve us in varied capacities throughout the academic year.

Behind the glass partition in the main corridor, the central office provides the school with many of its clerical needs. This office is under the general supervision of Mrs. Patricia Bonelli, the Secretary of the Law School. Mrs. Bonelli has been with the school for almost nine years executing her duties through the administration of two deans. Much of her work now is in conjunction with Dean Drinan, but her responsibilities do not end here. The planning of most of the school's social functions (everything from Parents' Day to receptions for guest lecturers) taxes her capacity for organization. She is conscious of the fact that a visitor's first impression of the Law School is that of the main office and she takes great pride in the manner of reception given such a visitor.

The office staff is in obvious agreement. An hour spent with them discloses a responsive attitude to the needs of the school coupled with a true sense of loyalty. Mrs. Agnes Carroll, whose smiling reception would put any newcomer at ease, is the official receptionist — receiving calls and visitors. Her six years of service have found her fulfilling the needs of the faculty with her clerical talents, providing hopeful applicants with catalogues and information, and handling the clerical aspect of the pre-legal program which acquaints prospective students with the Law School's curriculum. In her graciousness Mrs. Carroll has said that she enjoys most that portion of her job which brings her into contact with the students.

Mrs. Carroll is not without company during her busy day for the two adjoining alcoves are occupied

by Mrs. Helen Sheehan and Miss Sue Plante. Mrs. Sheehan has an admitted preference for working in a university and her specific obligations include the regulation of the vast amount of paper work surrounding admissions. The Assistant Dean's office processes applications throughout the year with the heaviest workload covering the period from after the November LSAT exam through late June. Summer finds the office without the relaxation afforded the students. And it is with Mrs. Sheehan's quiet efficiency that late applications are processed, grades sent out, and petitions for readmission considered. After a respite in the month of August, the new schedule for classes is drafted and the start of another academic year awaited.

Alumni, too, share in these many benefits. For over five years Miss Sue Plante has devoted her talents to the needs of this ever-increasing body by acting as alumni coordinator. *SUI JURIS* is particularly indebted to Miss Plante whose typewriter turns out many of the articles in final form just prior to publication. All who know her will be happily sending congratulations her way this June when she takes her A.B. in English from Boston College.

From their offices on the faculty corridor Miss Mary Toomey and Miss Mary Beach contribute to the overall scheme of clerical efficiency — Miss Toomey by way of faithful service as Administrative Assistant to Publications and Miss Beach in her position as secretary to Dean Larkin. Recently the office welcomed to its corps Mrs. Connelly who discharges her responsibilities in a position formerly held by Miss Margaret Glancy.

In the midst of this clerical routine and the seriousness which accompanies it, one would expect little in addition. However, the picture is incomplete if, above the clatter of typewriter keys and phones ringing, consideration is not given to the manner of execution of these duties. The student may be unaware as he passes along the corridor of the pervasive joy that can be noted in so many little happenings — in the willing concern of all in Dean Drinan's busy schedule, in the preparation made for a visiting guest, in the desire to inject a little of the holiday spirit into the academic atmosphere and in the planning of the School's decor.

The secretaries' contribution has been aptly described by Dean McCarthy. He noted that one of the hardest things to achieve in any office is achieved here, when, despite the respective duties of the individuals, all are willing to pitch in and work as a team.

And it might be added — a valiant team.

# BOOKS

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## UNIVERSITY BROADENS GUIDANCE

The recommendation by the Guidance Committee of the Self-Study Program at Boston College that a clinical psychologist be employed for student counseling has been adopted by the administration. Reverend Charles F. Donovan, S.J., announced that the University is endeavoring to procure a full time psychologist. Eventually he will work with a psychiatrist on a formal associate basis as opposed to the present procedure of informal referral of students to private practitioners.

In conjunction with the establishment of clinical psychological services, a committee of guidance directors from the various schools of the University will be formed to improve intra-university communication and to draft proposals for an integrated University guidance service.

Father Donovan also indicated that a Director of Student Personnel, who will administer all student guidance and health programs, will be installed, presumably at the Vice-Presidential level, in September. It is contemplated that under the new administration these programs will be extended to the graduate and professional schools.

## Course Changes Suggested

The Faculty Committee on Development has made several recommendations to the Curriculum Committee with respect to changes in the course of studies at the Law School. Some of the suggested alterations may be implemented during the 1955-66 academic year. The recommendations include moving Commercial Law to the second year, making presently required courses subject to election, moving some courses from second to first year and vice versa, and combining the subject matter of two courses into one as well as making most courses in the first year one semester.

The Curriculum Committee is expected to make its report within the month. Announcement of any changes will be made by the Dean's office.

## BSA Plans Law Clubs

The Board of Student Advisors has announced plans for the organization of ten Law Clubs from among the members of the student body. Established to supplement the classroom curriculum, the Law Clubs will be instrumental in operating the first, second and third year Moot Court programs under direction of the Board. The clubs will also assist in the orientation program for incoming first year students, develop interests in the study of the history of the law, and undertake original projects related to the law that are of particular interest to the members of a club.

Membership in the Law Clubs will consist of students from the three classes. Each member of the first year class will be assigned to one of the existing clubs, which membership being mandatory. Participation by second and third year students will be on a voluntary basis. This year the club membership will be limited to first and second year students.

More detailed information concerning the formation of the clubs and their organizational framework will be presented to all eligible students before the advent of the examination period.

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## PRITZKER, TISHLER GRIMES WINNERS; COMPETITORS HONORED AT BANQUET

Frederick M. Pritzker and Gerald P. Tishler prevailed over Nicholas B. Soutter and Dennis J. Roberts in the final round of the Wendell F. Grimes Moot Court Competition on February 19. The winners gained first place among twenty-one teams entered in the five round second year competition in oral advocacy.

The case argued this year was *Marlborough Adoption Home v. Ryan*. Respondents adopted a child from Marlborough in the state of Bostonia and then returned to Transylvania, their state of domicile. One year later the home sought to have the adoption voided on the ground of fraud, alleging that the Ryans had misrepresented their race and religion on the application thereby effecting an adoption in violation of the home's rule against intermingling of religion and race. A decree voiding the adoption was rendered by a Bostonia court, but Transylvania refused to enforce it. Both cases were appealed to the United States Supreme Court after affirmance in the respective state appellate courts. The certified questions were: 1) Was jurisdiction to void the adoption proper in Bostonia? 2) Was requiring the Ryans to state their race and religion a violation per se of the Federal Constitution? 3) Was the vitiation of the adoption a violation of the Federal Constitution? And 4) Was Transylvania's refusal to enforce the Bostonia decree in violation of Article Four of the Federal Constitution?

The winning team represented the adoption home.

Presiding over the final round was the Honorable T. Emmet Clarie of the United States District Court for the District of Connecticut. Associate justices were Professor Monrad G. Paulsen of Columbia University



Mrs. Grimes, Mr. Tishler, and Mr. Pritzker

School of Law and the Honorable Edward J. McCormack, Jr., former Attorney General of Massachusetts.

All participants in the Grimes Competition were guests of the Board of Student Advisors at a banquet in the Student Lounge on March 16.

Principal speaker at the dinner was the Honorable Felix Forte, Justice of the Superior Court of Massachusetts, who pointed out to his audience the resurgence of a Natural Law philosophy in contemporary jurisprudence. Following the Judge's address, Dean Drinan presented gavels to the participants. Messrs. Tishler and Pritzker were presented silver Paul Revere bowls by Mrs. Wendell F. Grimes who, with two of her children, was a special guest. The four finalists also received savings bonds from the Student Bar Association.

Associate Dean Francis J. Larkin and professor William F. Willier made brief comments before the evening was concluded with a showing of photographs of the semi-final and final rounds of the competition. Nicholas J. Lisi '65, Chairman of the B.S.A. served as toastmaster.

## Whose rights are affected by Federal laws?

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## PER CURIAM

by Portia Palisgraf

The January Smoker was a success. I entered the smoke-filled, brew-scented "Chez-Melody" to the symphonic sounds of *Tim Sullivan*, *John McCulloch*, and *Kevin O'Keefe*, executors of the up-and-coming piano-guitar trio. *Jim Falla* was successfully rendering a few "Little Richard" tunes, and the band played on.

The cafeteria, sporting all the comforts of the Walpole Prison, was filled with Friday-night law students, wives, et cetera — the last category being of most interest. The Impressionists, *Peter Brady* and *Bernard Fitzsimmons*, gave their versions of several very timely personalities within the faculty walls of B.C. Tech. Giving a truly authentic performance, they are now signing contracts for future shows. The entertainment, compliments of the second year, then came to an end, and the usual activities of any smoker were again resumed. I sat back and concluded that such vitality could not go unnoticed, and so decided to devote this entire column to the activities of the class of '66, for what they possessed and what other classes lacked, was a true sense of spirit.

For example, some members of the second year even had enough spirit to get married last summer. On June 21, *Arthur Mason* and *Eileen Corwin* were married in New York City, and a week later, *Howard Wayne* and *Carol Zangrilli* were married in Somerville, Mass. *Mike Brockelman* and *Mary Ann St. Cyr* ended their respective single *stati* on August 22, when they became married in Leominster, Mass. *John Kershaw* worked for the United California Bank, in Torrance, California, last summer, but before leaving the east coast, he too joined the matrimony-minded, and was married to *Georgette Langevin* in Pawtucket, R.I.

I interviewed *John Hines* recently, who reported that he had lost \$\$ at Suffolk Downs some time ago; that he had received a "hot tip" from a Rhode Island bookie which subsequently fell through, after which he and his wife moved to Brighton. Summer plans include a job as bartender at the Sand Piper Restaurant in Dennisport, Cape Cod. But before the year comes to an end, John says that he'll take Watusi lessons in preparation for the next law school dance. *Robert Arena* and *Sam Concemi* are both expectant fathers in August, the latter's second child. Sam does tax work for *John Hines's* bookie, and also recently defended his own motor vehicle violation case, which he had to admit he lost. *Donald Cournoyer* will work

for John O'Shawnessey this summer; Mr. O'Shawnessey has a general practice in Southbridge, Mass. Don commutes to B.C. daily from Sturbridge, a total of 140 miles per day, or 22,400 miles per year . . . all for B.C. He reports that he was recently caught eating fruit in one of the library alcoves and was quickly admonished by Nina, another example of our library efficiency.

*Jim Dehoney* celebrated his 23rd birthday on February 25th, — belated best wishes are sent. It was reported recently that *Bill Doherty*, *Bob "Super Eagle" Parks*, and *Matt McConnell*, in the true spirit of their class, were rabid fans of Boston College hockey games. And I ask, what better way to support your school? *George Doherty* will greatly improve the legal profession when he accepts a summer job with Fish, Richardson and Neave, a Boston law firm.

When interviewed, *Paul Finnegan* had to admit that he was still "a big man with the women." Among the national celebrities he has dated was Libby Miller, but he seemed to terminate that 'round about November 3, "for some family reason," he stated. *Fred Fitzgerald* said that life was somewhat dull lately, although he still had a "great bachelor pad" at 324 Chestnut Hill Avenue. *Dick Sullivan* reported that he worked in the real estate department of the Bay State Savings Bank last summer.

*Robert Sullivan* is still selling real estate in Framingham for the firm of Townsend and Hallett, Inc. After some prodding, Bob admitted that he was top salesman in the firm for the month of October. Although lucky in real estate, his dice-throwing is less lucrative, and reports verify his claim that he continually ends up paying for the libations at the local Officer's Club. *John McGuirk* will bestow his legal talents upon the firm of Weil, Gotshal & Manges in New York City this summer. Recently, he, *Stu Mensezahl* and *Joe Ryan* rescued Tom Collins '65 and *Denny Roberts* from their neo-tudor apartment house on upper Commonwealth Avenue as it was about to be engulfed with flames from the burning gasoline station adjacent to it. Heroism at its greatest.

Frank McDermott stated he was on the verge of betrothal, and to such veracity we devote an entire paragraph.

On the national scene, I am happy to report that we have no problems, as the director of the "Great Society" has promised to take care of all of them for us.

And thus we conclude another in the series of Per Curiam, or a little bit of life from the halls of B.C. My gratitude to the second year, and the Spirit of '66.

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## Correspondence

Sir:

On February 8, two distinguished gentlemen, Dr. John McGraw, Dean of Temple University Law School, and the Honorable C. Raymond Judice, a Municipal Court Judge in Houston, Texas, paid a visit to the Law School for the purpose of establishing a chapter of Phi Alpha Delta Legal Fraternity here. Because of the cool reception they received we assume that the nature of a legal fraternity and the benefits that would accrue from such are things unknown to the student body of the Law School.

A professional fraternity such as PAD would be an asset both to the Law School as a whole and the individual student. Briefly stated, Boston College Law School would become part of a nationwide system of ninety-seven chapters with concomitant publicity and representation at every national PAD function. At the same time each individual member would have the opportunity to use this organization for effective channeling of his abilities and services and as a conduit for making valuable contacts on a local and nationwide level both before and after graduation from law school.

Throughout the past decade Boston College Law School has become one of the country's better law schools. We feel that at this time the installation of Phi Alpha Delta would be in accord with this progress.

All those interested or desiring more information please contact the undersigned.

John G. Gill '66  
Hugo A. Hilgendorff '66  
Mark Leicester '67

Sir:

New York, N. Y.

In the December issue of SUI JURIS, a review by an attorney of my book, *The Supreme Court and Public Prayer*, contains the statement, "Missing from the volume is a meaningful discussion of the American experiment in federalism." The reviewer further states that "some treatment of the topic seems appropriate to any volume dealing with the prayer cases." The reviewer implies that the subject of federalism is not treated in the book. The fact is that in Chapter 9, which is one of the two climactic chapters of the book, and which recommends several techniques of judicial restraint for adoption by the Supreme Court, one of the four separate sections of that chapter is devoted to the subject of federalism. The section, extending from pages 134 to 136, is set off from the remainder of the text by the heading, in full capital letters, RESPECT FOR LOCAL SELF-GOVERNMENT. The section basically argues for the application to First Amendment religion cases of the rule of *Palko v. Connecticut*, to afford a greater latitude to state and local governments. Other reviewers have emphasized this section as containing one of the main proposals advanced in the entire book. The problem of federalism is incidentally treated in other portions of the book as well. Also, the section on federalism is directly preceded, in the same chapter, by a similar treatment, from pages 131 to 134, of the related problem of standing to sue.

However, because it is a subdivision of a chapter, the section on federalism is not specifically noted in the table of contents and it is not expressly treated in the preface; these are the only portions of the book from which your reviewer quotes or from which he draws with particularity.

It is, of course, the reviewer's prerogative to consider the discussion of federalism in the book as not "meaningful," although the section advances, in expanded form, virtually the same arguments urged by your reviewer in his review.

It would be a dereliction to write a book on the law of church and state without seriously handling the problem of federalism. I reluctantly take this unusual step of commenting upon a book review, not for the purpose of faulting the reviewer for his apparent oversight, but to correct the public record.

Charles E. Rice '56

Editor's Note:

Our reviewer, Mr. Duesenberg, shown this letter, has chosen not to comment.



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